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Kym Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:	Date: February 14, 2006
Thomas E. DOWDY	Confirmation No. 1243
Serial No: 10/816,556	Group Art Unit: 2676
Filed: April 1, 2004	Examiner: Manucher Rahmjoo

For: TRANSPARENT COMPATIBILITY AND ADAPTATION TO DIFFERING FORMAT IMPLEMENTATIONS IN A COMPUTER SYSTEM

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

(1) Real Party in Interest

The real party in interest is Apple Computer, Incorporated.

(2) Related Appeals and Interferences

There are no related appeals or interferences known to the Appellant.

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(3) Status of Claims

Claims 1, 4-11, and 17-27 are pending.

Claims 1, 4-11, and 17-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,608,864 to Bindlish et al. ("Bindlish").

All of the foregoing claims are being appealed.

(4) Status of Amendments

There are no unentered amendments.

(5) Summary of Claimed Subject Matter

Independent claim 1 recites a method for providing transparent compatibility and adaptation to differing format implementations in a computer system. The method includes providing a first format in a first frame buffer, in which the first format is compatible with a format for an application program. Specification, page 5, lines 18-20; FIG. 2. The method further includes providing a second format in a second frame buffer, in which the second format is compatible with a format for an output device. Specification, page 5 line 20 – page 6, line 1; FIG. 2. The method further includes transforming data inputs from the application program from the first format in the first frame buffer to the second format in the second frame buffer for output on the output device to provide compatibility between the application program and the output device without altering the application program. Specification, page 6, lines 4-9; page 7, line 20 – page 8, line 2; FIG 2.

Independent claim 17 recites a computer readable medium containing program instructions that, in essence, implements the method of claim 1.

(6) Grounds of Rejection to be Reviewed on Appeal

The Appellant requests review as to claims 1, 4-11, and 17-27 and their rejection under 35 U.S.C. 102(b) as being anticipated by Bindlish.

(7) Argument

Claims 1, 4-11, and 17-27 are not properly rejected under 35 U.S.C. 102(b) as being anticipated by Bindlish

Claim 1 recites a method for providing transparent compatibility and adaptation to differing format implementations in a computer system. The method includes providing a first format in a first frame buffer and providing a second format in a second frame buffer. The first format is compatible with a format for an application program, and the second format is compatible with a format for an output device. The method further includes transforming data inputs from the application program from the first format in the first frame buffer to the second format in the second frame buffer for output on the output device.

Bindlish discloses a computer video controller with two data pipelines for simultaneously displaying full motion video within a window in a video display (see Abstract, FIG. 5A). The computer video controller displays motion video at a relatively high frame rate to provide realistic motion effects while providing a low cost solution by integrating a video frame buffer memory and graphics memory into one memory array (i.e., memory array 501 of FIG. 5A) having a data path width of 32 bits or less (col. 5, ll. 5-10; col. 7, ll. 39-41). In particular, the memory array 501 is coupled to a CRT FIFO 530 and a motion video window (MVW) FIFO 551. In operation, a control logic 542

selectively loads data from the memory array 501 to either CRT FIFO 530 or MVW FIFO 551 (col. 9, ll. 1-5). Data within the two pipelines – i.e., the CRT FIFO 530 and the MVW FIFO 551 – is then output on a flat panel display (FPD 559) or a CRT monitor through DAC (digital to analog converter) 536. The delays within the two pipelines are maintained to be the same (col. 9, ll. 45-49).

Bindlish, however, does not disclose several aspects of the claimed subject matter.

(A) Bindlish does not disclose providing a first format in a first frame buffer and providing a second format in a second frame buffer

Bindlish discloses a computer video controller that integrates a *video frame buffer memory* and *graphics memory* into one memory array (emphasis added). Accordingly, while Bindlish may disclose a single frame buffer, Bindlish does not disclose a video controller including two frame buffers – i.e., Bindlish does not disclose providing a first format in a first frame buffer and providing a second format in a second frame buffer. Furthermore, while Bindlish discloses a CRT FIFO 530 and a MVW FIFO 551, Appellant respectfully submits that neither of these FIFOs are frame buffers. A frame buffer is a memory that stores one or more frames of video information for display on a screen. Bindlish does not disclose that either of the CRT FIFO 530 or the MVW FIFO 551 can store one or more frames of video information for display on a screen.

(B) Bindlish does not disclose transforming data inputs from the application program from the first format in the first frame buffer to the second format in the second frame buffer for output on the output device

As shown in FIG. 2 of Applicant's specification (and described on page 5, line 18 – page 6, line 9), data is transformed from a first format in frame buffer 16 to a second format associated with a frame buffer 22, and then output from the frame buffer 22 to an output device (display device 20'). Even assuming *arguendo* that CRT FIFO 530 and MVW FIFO 551 are frame buffers (which Appellant does not concede), as shown in FIG. 5A of Bindlish, the data outputs from the CRT FIFO 530 and the MVW FIFO 551 are parallel to one another, and are not serial to one another. Consequently, Bindlish cannot disclose transforming data inputs from the application program from the first format in the first frame buffer *to* the second format in the second frame buffer for output on the output device.

(C) <u>The Examiner has not met the basic criteria to establish anticipation</u>

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As discussed above, Bindlish fails to disclose providing a first format in a first frame buffer and providing a second format in a second frame buffer. In addition, Bindlish fails to disclose transforming data inputs from the application program from the first format in the first frame buffer to the second format in the second frame buffer for output on the output device. Appellant, therefore, respectfully submits that Bindlish does

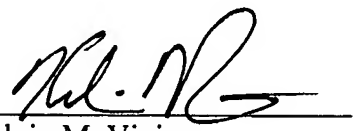
not anticipate claim 1. Thus, claim 1 is improperly rejected under § 102(b). Claims 4-11 depend directly or indirectly from claim 1 and, therefore, are improperly rejected for at least the same reasons. Claim 17 recites features corresponding to those of claim 1 and, therefore, is also improperly rejected for at least the same reasons. Claims 18-27 depend directly or indirectly from claim 17 and, therefore, are improperly rejected for at least the same reasons.

Conclusion

Bindlish fails to disclose providing a first format in a first frame buffer and providing a second format in a second frame buffer. In addition, Bindlish fails to disclose transforming data inputs from the application program from the first format in the first frame buffer to the second format in the second frame buffer for output on the output device, as required by the claims. The Appellant, therefore, respectfully submits that the pending claims 1, 4-11, and 17-27 are not properly rejected under § 102(b).

Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. 02-2120 (Sawyer Law Group).

Respectfully submitted,
SAWYER LAW GROUP LLP



February 14, 2006
Date

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Appendix of Claims

1. (Previously Presented) A method for providing transparent compatibility and adaptation to differing format implementations in a computer system, the method comprising the steps of:

providing a first format in a first frame buffer, the first format compatible with a format for an application program;

providing a second format in a second frame buffer, the second format compatible with a format for an output device; and

transforming data inputs from the application program from the first format in the first frame buffer to the second format in the second frame buffer for output on the output device to provide compatibility between the application program and the output device without altering the application program.

2-3. (Cancelled)

4. (Original) The method of claim 1 wherein the first format comprises a first resolution.

5. (Original) The method of claim 1 wherein the first format comprises a first depth.

6. (Original) The method of claim 1 wherein the first format comprises a first video standard.

7. (Original) The method of claim 4 wherein the second format comprises a second resolution.

8. (Original) The method of claim 5 wherein the second format comprises a second depth.

9. (Original) The method of claim 6 wherein the second format comprises a second video standard.

10. (Original) The method of claim 1 wherein providing a first format comprises providing a first aperture card.

11. (Original) The method of claim 10 wherein providing a second format comprises providing a second aperture card.

12-16. (Cancelled)

17. (Previously Presented) A computer readable medium containing program instructions for:

providing a first format in a first frame buffer, the first format compatible with a format for an application program;

providing a second format in a second frame buffer, the second format compatible with a format for an output device; and

transforming data inputs from the application program from the first format in the first frame buffer to the second format in the second frame buffer for output on the output device to provide compatibility between the application program and the output device without altering the application program.

18. (Previously Presented) The medium of claim 17 wherein the first format comprises a first resolution.

19. (Previously Presented) The medium of claim 17 wherein the first format comprises a first depth.

20. (Previously Presented) The medium of claim 17 wherein the first format comprises a first video standard.

21. (Previously Presented) The medium of claim 18 wherein the second format comprises a second resolution.

22. (Previously Presented) The medium of claim 19 wherein the second format comprises a second depth.

23. (Previously Presented) The medium of claim 20 wherein the second format comprises a second video standard.

24. (Previously Presented) The medium of claim 17 wherein providing a first format comprises providing a first aperture card.

25. (Previously Presented) The medium of claim 24 wherein providing a second format comprises providing a second aperture card.

26. (Previously Presented) The method of claim 1, wherein the first format in the first frame buffer is not compatible with the output device.

27. (Previously Presented) The medium of claim 17, wherein the first format in the first frame buffer is not compatible with the output device.

TRANSMITTAL FORM	Attorney Docket No. **P1916C/526C**

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In re the application of: **Thomas E. DOWDY** Confirmation No: **1243**

Serial No: **10/816,556** Group Art Unit: **2676**

Filed: **April 1, 2004** Examiner: **Rahmjoo, Manucher**

For: **Transparent Compatibility and Adaptation to Differing Format Implementations In A Computer System**

ENCLOSURES *(check all that apply)*					
☐	Amendment/Reply	☐	Assignment and Recordation Cover Sheet	☐	After Allowance Communication to Group
	☐ After Final	☐	Part B-Issue Fee Transmittal	☐	Notice of Appeal
☐	Information disclosure statement	☐	Letter to Draftsman	■	Appeal Brief
	☐ Form 1449	☐	Drawings	☐	Status Letter
	☐ (X) Copies of References	☐	Petition	■	Postcard
☐	Extension of Time Request *	☐	Fee Address Indication Form	☐	Other Enclosure(s) (*please identify below):*
☐	Express Abandonment	☐	Terminal Disclaimer		
☐	Certified Copy of Priority Doc	☐	Power of Attorney and Revocation of Prior Powers		
☐	Response to Incomplete Appln	☐	Change of Correspondence Address		
☐	Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxxx month(s), from to .			
	☐ Executed Declaration by Inventor(s)				

CLAIMS

FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	0	0	0	$ 50.00	$ 0.00
Independent Claims	0	0	0	$200.00	$ 0.00
				Total Fees	$ 0.00

METHOD OF PAYMENT

■	Check no. 10104 in the amount of $ 500.00 is enclosed for payment of Appeal Brief filing fees.
■	Charge any additional fees or credit any overpayment to Deposit Account No. 02-2120 (Sawyer Law Group LLP)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Attorney Name	Kelvin M. Vivian, Reg. No. 53,727
Signature	
Date	February 14, 2006

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Type or printed name	Kym Moore
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